

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC., *et al.*,

*Plaintiffs,*

v.

No. 7:16-cv-00108

SYLVIA BURWELL, Secretary of the  
United States Department of Health  
and Human Services, *et al.*,

*Defendants.*

**DEFENDANTS' MOTION FOR EXPEDITED TELEPHONIC STATUS CONFERENCE**

Defendants respectfully request that the Court schedule a telephonic status conference as soon as practicable to determine a schedule for further proceedings in this case. Two motions concerning the schedule for addressing plaintiffs' motions for partial summary judgment or, in the alternative, preliminary injunction, ECF Nos. 22, 24, are presently pending before the Court.<sup>1</sup> Defendants seek the Court's expedited guidance on the issues presented in those motions, given defendants' impending November 14, 2016, deadline to respond to plaintiffs' partial summary judgment motions. Defendants respectfully suggest that a telephonic status conference would facilitate the efficient resolution of those issues. The undersigned counsel discussed defendants' request for a telephonic status conference with counsel for plaintiffs, who indicated that plaintiffs do not consent to defendants' request.

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<sup>1</sup> See Proposed Intervenor's Motion to Stay Briefing on Plaintiffs' Dispositive Motions and Reset Deadlines for Responding to Motion to Intervene (Oct. 24, 2016), ECF No. 27; Defendants' Motion to Set Schedule for Preliminary Injunction Proceedings (Oct. 26, 2016), ECF No. 28.

The undersigned counsel are available at the Court's convenience on November 1-4, 2016.

Dated: November 1, 2016

Respectfully Submitted,

BENJAMIN C. MIZER  
Principal Deputy Assistant Attorney  
General

JENNIFER D. RICKETTS  
Director, Federal Programs Branch

SHEILA M. LIEBER  
Deputy Director, Federal Programs Branch

/s/ Adam Grogg  
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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2016, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Adam Grogg  
ADAM GROGG

**CERTIFICATE OF CONFERENCE**

On October 31, 2016, counsel for defendants asked Austin R. Nimocks and Luke Goodrich, counsel for plaintiffs, via e-mail whether plaintiffs would join in a request that the Court schedule a telephonic status conference. On November 1, 2016, Mr. Nimocks responded that plaintiffs do not consent to defendants' motion.

/s/ Adam Grogg  
ADAM GROGG